

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:

Stephen J. Conte, Jr.



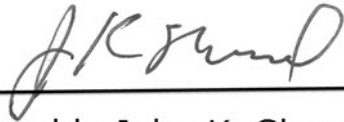
Order Filed on November 19, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 18-29278  
Chapter: 11  
Hearing Date: 11/17/2020  
Judge: John K. Sherwood

**ORDER GRANTING CHAPTER 11 TRUSTEE'S MOTION TO COMPEL  
TURNOVER DOCUMENTS**

The relief set forth on the following pages, numbered two (2) through \_\_\_\_\_  
is **ORDERED**.

.....  
  
**DATED: November 19,  
2020**

  
\_\_\_\_\_  
Honorable John K. Sherwood  
United States Bankruptcy Court

**COLE SCHOTZ P.C.**

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In re:	:	UNITED STATES BANKRUPTCY COURT
	:	FOR THE DISTRICT OF NEW JERSEY
	:	HONORABLE JOHN K. SHERWOOD
STEPHEN J. CONTE, JR.,	:	CASE NO. 18-29278 (JKS)
	:	
Debtor.	:	Chapter 11
	:	
	:	

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**ORDER GRANTING CHAPTER 11 TRUSTEE’S MOTION TO COMPEL TURNOVER OF  
DOCUMENTS AND INFORMATION TO THE CHAPTER 11 TRUSTEE AND  
DIRECTING COOPERATION WITH THE CHAPTER 11 TRUSTEE’S PROFESSIONALS**

Upon the motion (the “**Motion**”)<sup>1</sup> of Jeffrey Testa, Chapter 11 trustee (the “**Chapter 11 Trustee**”), to compel the turnover of documents and information from Stephen J. Conte (the “**Debtor**”) and his professionals to the Chapter 11 Trustee and directing cooperation with the Chapter 11 Trustee’s professionals pursuant to sections 105, 323, 541, 542, and 1106 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “**Bankruptcy Code**”); and the Court having determined that the relief sought in the Motion is in the best interests of the Debtor, his creditors, estate and all other parties in interest; this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and it is hereby,

**ORDERED THAT:**

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<sup>1</sup> All capitalized terms used but not otherwise defined herein shall have the same meanings ascribed to them in the Motion.

Debtor: Stephen J. Conte, Jr.  
Case No.: 18-29278 (JKS)  
Caption: Order Granting Chapter 11 Trustee's Motion To Compel Turnover Of  
Documents And Information To The Chapter 11 Trustee And Directing  
Cooperation With The Chapter 11 Trustee's Professionals

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1. The Motion is **GRANTED** as set forth herein.
  2. The Debtor, his counsel and other professionals, including his accountant, are directed on or before December 4, 2020 to turn over and provide complete copies to the Chapter 11 Trustee of the Documents and Records attached as **Exhibit A** hereto pursuant to 11 U.S.C. §§ 105, 323, 541, 542 and 1106.
  3. The Debtor and his professionals, including the Debtor's accountant, are directed, on or before December 4, 2020, to provide the Chapter 11 Trustee and/or his retained professionals all necessary passwords and codes required to access the QuickBooks accounting files and any other computer software program which contains the Documents and Records.
  4. The Debtor is directed to provide the Chapter 11 Trustee and his retained professionals access to the offices of Vestibula Diagnostics, P.A., Rochamus Medical Equipment, Inc. and 396 Medical Management Corp. upon 48 hours' notice provided by the Chapter 11 Trustee.
  5. The Debtor is directed to not alter or destroy any of the information contained in the Documents and Records pending turnover to the Chapter 11 Trustee.
  6. The Chapter 11 Trustee and his retained professionals shall provide the Debtor reasonable access to any of the Documents and Records which are turned over to the Chapter 11 Trustee.
  7. The Debtor and his professionals are directed to cooperate with the Chapter 11 Trustee and his professionals.
  8. The Debtor is directed to and shall turn over all income earned from any source to the Chapter 11 Trustee.

Debtor: Stephen J. Conte, Jr.  
Case No.: 18-29278 (JKS)  
Caption: Order Granting Chapter 11 Trustee's Motion To Compel Turnover Of  
Documents And Information To The Chapter 11 Trustee And Directing  
Cooperation With The Chapter 11 Trustee's Professionals

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9. The Chapter 11 Trustee is authorized to take all actions necessary or appropriate to effectuate the relief granted pursuant to this Order in accordance with the Motion.

10. The terms and conditions of this Order shall be immediately effective and enforceable upon entry of the Order.

11. This Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

## **Exhibit A**

### Documents and Records

**DOCUMENTS AND RECORDS**

**1. Stephen R. Conte, Jr. Financial Information**

- a. Bank statements/account activity for all Stephen R. Conte, Jr. accounts
  - i. Sept 2014 – Oct 2020
  - ii. Excel and PDF
- b. Tax Return for Stephen R. Conte, Jr. 2014 – 2019
- c. Credit card statements Sept 2014 – present (preferably in Excel)
- d. Any personal accounting records
- e. Any agreements of any kind entered into by and between Stephen R. Conte, Jr. and Open MRI and Imaging of Rochelle Park, P.A., 396 Medical Management Corp., Rochamus Medical Equipment, Inc., Rochelle Park Medical Imaging, P.A. and/or South Bergen Medical Management, Inc.

**2. Corporate Tax Returns**

- a. 396 Medical Management
  - i. 2014 – 2016 Tax Returns
- b. Open MRI & Imaging of Rochelle
  - i. 2014 – 2017, and 2019 Tax Returns
- c. Rochamus
  - i. 2014 – 2019 Tax Returns
- d. Vestibula Diagnostic
  - i. 2014 Tax Return

**3. General Ledgers**

General Ledgers for all related entities including but not limited to all accounts payable and receivable for:

- a. 396 Medical Management
  - i. 2014 – 2015, and 2020 (Excel/native and PDF)
  - ii. 2016 – 2019 (Excel/native only, PDF received)
- b. Open MRI & Imagine of Rochelle
  - i. 2014 – 2017, and 2020 (Excel/native and PDF)
  - ii. 2018 – 2019 (Excel/native only, PDF received)
- c. Rochamus
  - i. 2014 – 2020 General Ledgers (Excel/native and PDF)
- d. Vestibula Diagnostic
  - i. 2014 – 2017, and 2020 (Excel/native and PDF)
  - ii. 2018 – 2019 (Excel/native only, PDF received)

**4. Bank Statements**

Bank statements/account activity

- a. 396 Medical Management
  - i. Sept 2014 – April 2016 (Excel and PDF)
  - ii. May 2016 – July 2020 (Excel only, PDF received)
  - iii. August 2020 – present (Excel and PDF)

- b. Open MRI & Imagine of Rochelle
  - i. Sept 2014 – Dec 2016 (Excel and PDF)
  - ii. Jan 2017 – Dec 2019 (Excel only, PDF received)
  - iii. Jan 2020 – present (Excel and PDF)
- c. Rochamus
  - i. Sept 2014 – present (Excel and PDF)
- d. Vestibula Diagnostic
  - i. Sept 2014 – Dec 2014 (Excel and PDF)
  - ii. Jan 2015 – Feb 2016 (Excel only, PDF received)
  - iii. Mar 2016 – Aug 2017 (Excel and PDF)
  - iv. Sept 17 – Jul 20 (Excel only, PDF received)
  - v. Aug 20 – present (Excel and PDF)

#### **5. Additional Bank Accounts**

Bank statements/account activity for all accounts identified by transfers to/from the related entities in excel output and PDF.

- a. 396 Medical Management
  - i. Checking Accounts Ending: x3481, x4587
  - ii. Corporate Credit or Debit Account Ending: x5898, x7608
  - iii. Demand Deposit Accounts Ending: x7985, x7734, x2457, x3265, x4821, x5075, x2926, x8318, x2913, x2543, x8897, x0547, x8496, x0235
  - iv. Payroll Accounts Ending: x8377, x4003, x0082, x3312, x5683
- b. Open MRI & Imagine of Rochelle
  - i. Checking Accounts Ending: x2172, x2393
- c. Vestibula Diagnostic
  - i. Checking Accounts Ending: x4587, x1513, x1539, x1547, x1521, x6252, x0390, x0482
  - ii. Demand Deposit Accounts Ending: x0675, x5293, x9209, x7627, x3772, x0718, x1318, x7028, x7164, x6621, x7493, x6539, x6179, x7738, x1353, x1491

#### **6. Bank Accounts Missing Information**

Bank statements/account activity for follow accounts for which certain periods were produced (Excel output and PDF).

- a. 396 Medical Management
  - i. TD Bank x4447: Sept 2014 – Apr 2016, Sept. 2017-present
  - ii. TD x9869: Jan 2014 – Dec 2019, Aug 2020 – present
  - iii. TD x1129: Sept 2014 – May 2017, Jan 2020 – present
  - iv. TD x1179 Jan 2014 – May 2016, Aug. 2018 – present
- b. Open MRI & Imagine of Rochelle
  - i. TD x2982: Jan 2014 – Dec 2016, Jan 2020 – present
  - ii. TD x2966: Sept 2014 – Jun 2018, Jan 2020 – present
- c. Vestibula Diagnostic
  - i. Wawel x1505: Sept 2014 – Aug 2015, Mar 2016 - present
  - ii. Columbia x6623: Sept 2014 – Dec 2014 and Sept 2015 – present

- iii. TD x9921: Jan 2020 – present
- d. Rochamus
  - i. TD x9173: Jan. 2014 – Sept 2018, Aug 2020 – present

**7. Credit Card Statements**

Credit Card statements/account activity for all cards paid by the related entities (Excel output preferred).

- a. 396 Medical Management
  - i. American Express used from Apr 2016 – Nov 2019
  - ii. Chase used from Sept 2016 – Nov 2017
  - iii. Capital One used from Sept 2017 – May 2018
  - iv. Discover used from Dec 2018 – Dec 2019
  - v. Any other cards used Sept 2014 – present
- b. Open MRI & Imagine of Rochelle
  - i. Any cards used Sept 2014 – present
- c. Rochamus
  - i. Any cards used Sept 2014 – present
- d. Vestibula Diagnostic
  - i. Capital One used from Mar 2018 – Apr 2018
  - ii. Genesis credit card from Jan 2019 – Nov 2019
  - iii. Any other cards used Sept 2014 – present

**8. Quickbooks**

Quickbook files with logins and passwords for the following:

- a. 396 Medical Management
- b. Open MRI & Imagine of Rochelle
- c. Rochamus
- d. Vestibula Diagnostics



In re:  
Stephen J. Conte, Jr.  
Debtor(s)

Case No. 18-29278-JKS  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Nov 19, 2020

User: admin  
Form ID: pdf903

Page 1 of 3  
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 21, 2020:

Recip ID	Recipient Name and Address
db	Stephen J. Conte, Jr., 395 North Farview Avenue, Paramus, NJ 07652
aty	+ Norgaard O'Boyle, 184 Grand Ave, Englewood, NJ 07631-3578

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 21, 2020

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 19, 2020 at the address(es) listed below:

Name	Email Address
Brian Gregory Hannon	on behalf of Debtor Stephen J. Conte Jr. bhannon@norgaardfirm.com, sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com;dtakach@norgaardfirm.com
Cassandra C. Norgaard	on behalf of Defendant Stephen J. Conte Jr. cnorgaard@norgaardfirm.com, sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;dtakach@norgaardfirm.com
Denise E. Carlon	on behalf of Creditor Morgan Stanley Mortgage Loan Trust 2007-1XS U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon	on behalf of Creditor US Bank National Association As Successor Trustee to Bank of America, National Association (Successor

District/off: 0312-2

User: admin

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Date Rcvd: Nov 19, 2020

Form ID: pdf903

Total Noticed: 2

by Merger to Lasalle Bank National Association) As Trustee for Morgan Stanley Mortgage Loan Trust  
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Gavin Stewart

on behalf of Creditor Specialized Loan Servicing LLC, as servicing agent for Morgan Stanley Mortgage Loan Trust  
bk@stewartlegalgroup.com

Jeffrey Thomas Testa

jtesta@mccarter.com J118@ecfbis.com,lrestivo@mccarter.com,agreen@mccarter.com

Jerrold S. Kulback

on behalf of Debtor Stephen J. Conte Jr. jkulback@archerlaw.com, chansen@archerlaw.com

John O'Boyle

on behalf of Attorney Norgaard O'Boyle & Hannon joboye@norgaardfirm.com,  
sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com

John O'Boyle

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sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com

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John O'Boyle

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sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com

Joshua H. Raymond

on behalf of Plaintiff Allstate New Jersey Insurance Company jraymond@msbnj.com

Joshua H. Raymond

on behalf of Plaintiff Allstate Property and Casualty Insurance Company jraymond@msbnj.com

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on behalf of Plaintiff Allstate New Jersey Property jraymond@msbnj.com

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on behalf of Plaintiff Allstate Indemnity Company jraymond@msbnj.com

Joshua H. Raymond

on behalf of Creditor Allstate Insurance Company jraymond@msbnj.com

Michael A. Artis

on behalf of U.S. Trustee U.S. Trustee michael.a.artis@usdoj.gov

Michael S. Horn

on behalf of Debtor Stephen J. Conte Jr. mhorn@archerlaw.com

Rebecca Ann Solarz

on behalf of Creditor Morgan Stanley Mortgage Loan Trust 2007-1XS U.S. Bank National Association, as Trustee, successor in  
interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank rsolarz@kmlawgroup.com

Richard D. Trenk

on behalf of Defendant Allstate Insurance Company and Related Entities rtrenk@msbnj.com cdeangelis@msbnj.com

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Richard D. Trenk

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Richard D. Trenk

on behalf of Plaintiff Allstate New Jersey Property rtrenk@msbnj.com cdeangelis@msbnj.com

Ryan T. Jareck

on behalf of Trustee Jeffrey Thomas Testa rjareck@coleschotz.com fpisano@coleschotz.com

Seth L. Dobbs

on behalf of Debtor Stephen J. Conte Jr. sdobbs@aboylaw.com, TJANNICELLI@ABOYOUNDOBBBS.COM

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U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 30